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## BOOK REVIEWS

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CASES ON THE LAW OF PUBLIC SERVICE. By Charles K. Burdick, Professor of the Law of Public Service in Cornell University, College of Law. Boston: Little, Brown & Co., 1916, pp. xiii, 544.

It would not be easy to include within so few pages more valuable case material on this subject than the author has brought together in this book. As the author does not believe that the extraordinary liability of the innkeeper and the common carrier is the result of the fact that their callings are public, the subject of liability naturally does not appear in the index. This book, accordingly, readily adapts itself to use in schools having separate courses in carriers and public service law. There would be very little overlapping in those courses if this book were used. Admitting that economic monopoly has latterly been recognized in some jurisdictions as justifying courts in declaring monopolistic businesses public in their nature, and therefore subject to public control, the author has given prominence to cases combating this idea, and by his selection of illustrative cases lends color to his known view that historically the common calling was simply the calling in which there was a public holding out to serve all, and not necessarily one having any monopolistic feature. This is an idea for which the author has previously contended in Volume II of the COLUMBIA LAW REVIEW, and much the same view is maintained by another recent writer in Volume 28 of the HARVARD LAW REVIEW in an article entitled BUSINESS JURISPRUDENCE. Beginning with the well known anonymous case in Year Book 19 Henry VI, 49, p. 5 (1441) the author brings the cases down as late as the case of *German Alliance Ins. Co. v. Kansas*, decided in April, 1914, and *Northern Pacific Ry. Co. v. North Dakota* in which the opinion was delivered March 8, 1915. He does not include the interesting and important case of *Des Moines Gas Co. v. Des Moines*, decided June 14, 1915, which touches, but does not yet definitely dispose of, that will-o'-the-wisp "going concern value," which means so many different things, and is found by such wild guessing.

The same restraint shown in selecting the cases, is seen also in the notes. They contain valuable additions to the selected portions of the cases reported, and perhaps a sufficient number of cases in accord, though they leave something to be desired in citation of cases contra. Only 479 pages are devoted to the reported cases. The balance of the book consists of an appendix, containing the INTERSTATE COMMERCE ACT, including the ELKINS ACT and the CUMMINS AMENDMENT of March 4, 1915, and a brief index. The book is a brief, and yet doubtless adequate selection of cases in its subjects for the ordinary two hour course, and is all in all a very valuable and workable tool for the law teacher, as well as a suggestive development of principles for the general student of this recent but growingly important branch of the law.

E. C. G.